

Mr. Goldberg stated that it would be lit internally.

ACTION: A motion was made by Board Member Smith to Approve Petition 12-5. The motion was seconded by Board Member Acton.

VOTE: All in favor Motion Carried

Review Petition 12-11 Tax Parcel # 1900-800-342 also known as 928 Dover Ave.

Craig Hanna, Secretary in the Code Enforcement Office, submitted Exhibit 12-11C which is a larger scale copy of the picture on the original citation.

Zenek Cybak, the owner of the rental property, appeared before the Board and presented his reason for filing the appeal of the citation. In addition to Mr. Cybak, the Board heard testimony from others including Town Officials.

The Citation # V2-00036 was issued on March 21, 2012, and alleged a violation of section 303.7 of the 2000 International Property Maintenance Code (Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.)

At the conclusion of the testimony, and after introduction of evidence, Board Member Smith made a motion to deny the appeal of Citation # V2-00036, which was seconded by Board Member Boyd. A vote was taken and all Board Members in attendance voted in favor of the motion. Therefore, the appeal of this citation was denied.

ACTION: A motion was made by Board Member Smith to Deny Petition 12-11. The motion was seconded by Board Member Boyd.

VOTE: All in favor Motion Carried

Review Petition 12-12 Tax Parcel # 1900-500-269 also known as 310 Silverbrook Dr. & 1900-400-139 also known as 14, 16, and 16 ½ Beech Ave.

Craig Hanna, Secretary in the Code Enforcement Office, submitted Exhibits 12-12F thru 12-12O which were all screen shots showing when the late fees were added to the original invoices

Joseph Petrucci, the owner of the rental properties, appeared before the Board and presented his reason for filing the appeal of the late fees imposed on his Business License and Rental Permits. In addition to Mr. Petrucci, the Board heard testimony from others including Town Officials.

The invoices I2-01180, I2-00880, I2-00881, I2-00882, and I2-01031 were all issued on March 1, 2012, and all had late fees added to them alleging a violation of 182-4(B)(2) of the Town of Elsmere Code (Permit fees are payable upon receipt and are due no later than April 1).

At the conclusion of the testimony, and after introduction of evidence, Chairman Chalfant made a motion to approve the appeal of the late fees, which was seconded by Board Member Personti. A vote was taken and 2 Board Members in attendance voted in favor of the motion while the other 3 Board Members voted against the motion. Therefore, the appeal was denied.

ACTION: A motion was made by Chairman Chalfant to Approve Petition 12-12. The motion was seconded by Board Member Personti.

VOTE: 2 in favor – 3 opposed Motion Overturned

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS: None

PUBLIC COMMENT: None

ADJOURNMENT:

ACTION: A motion was made by Board Member Smith to adjourn. The motion was seconded by Board Member Personti.

VOTE: All in favor Motion Carried

At this time the meeting was adjourned.

These minutes summarize the agenda items and other issues discussed at the April 24, 2012 Board of Adjustment Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

PAUL CHALFANT, CHAIRMAN

JAMES PERSONTI, SECRETARY